

**BOARD OF APPEALS CASE NO. 5338**

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**BEFORE THE**

**APPLICANT: Jared Corn**

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**ZONING HEARING EXAMINER**

**REQUEST: Variance to allow accessory structures \*  
within the required front yard setback;  
2234 Conowingo Road, Bel Air**

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**OF HARFORD COUNTY**

**HEARING DATE: May 12, 2003**

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**Hearing Advertised**

**Aegis: 4/11/03 & 4/16/03**

**Record: 4/11/03 & 4/18/03**

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## **ZONING HEARING EXAMINER'S DECISION**

The Applicant, Jared Corn, is requesting a variance, pursuant to Section 267-26C(4) of the Harford County Code, to allow an accessory structure within the required front yard in an AG/Agricultural District.

The subject parcel is located at 2234 Conowingo Road, Bel Air, Maryland 21015 and is more particularly identified on Tax Map 34, Grid 4B, Parcel 276, Lot 1. The parcel consists of 1.30± acres, is zoned AG/Agricultural and is entirely within the Third Election District.

Jared Corn, appeared and testified that he wants to build a 20 foot by 40 foot shed within the designated front yard. That area actually serves as the side yard of his home. Because of the location of slopes and the septic reserve, the existing dwelling was placed in the front corner of the parcel. The area intended for the shed is designated as a front yard because of its proximity to Conowingo Road but, because of the placement of the house, that area serves as the side yard. If the Applicant attempted to locate this shed on the parcel without a variance he would need to do substantial grading and erect an 8 foot high retaining wall. Storm water management might also be required if the shed were located in a designated side yard. The Applicant claims that all of these factors contribute to the uniqueness of the parcel and that he would suffer unnecessary and unwarranted hardship if forced to erect the shed without the grant of the requested variance.

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Mr. Anthony McClune appeared and testified on behalf of the Department of Planning and Zoning. Mr. McClune agreed with the Applicant that the proposed placement of the shed was an appropriate location given the severe slopes on the property, the location of the septic reserve area and the location of the house. McClune admitted that, while designated as a front yard, the actual use of this area of the parcel is as a side yard. McClune pointed out that if this were a designated side yard, no variance would be needed for this proposed shed at this proposed location. Mr. McClune went on to discuss the shed itself and opined that the proposed building is compatible with other similar sheds and garages found throughout the AG zone in Harford County. The Department recommends approval of the subject request.

There were no persons that appeared in opposition to the request.

## **CONCLUSION**

The Applicant, Jared Corn, is requesting a variance, pursuant to Section 267-26C(4) of the Harford County Code, to allow an accessory structure within the required front yard in an AG/Agricultural District.

Harford County Code Section 267-26C(4) provides:

“Use limitations. In addition to the other requirements of this Part 1, an accessory use shall not be permitted unless it strictly complies with the following:

- (4) No accessory use or structure shall be established within the required front yard, except agriculture, signs, fences, walls or parking area and projections or garages as specified in § 267-23C, Exceptions and modifications to minimum yard requirements.”

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**Harford County Code Section 267-11 permits variances and provides:**

**"Variances from the provisions or requirements of this Code may be granted if the Board finds that:**

- (1) By reason of the uniqueness of the property or topographical conditions, the literal enforcement of this Code would result in practical difficulty or unreasonable hardship.**
- (2) The variance will not be substantially detrimental to adjacent properties or will not materially impair the purpose of this Code or the public interest."**

**The Hearing Examiner agrees with both the Applicant and the Department of Planning and Zoning. The subject parcel is unique from a zoning standpoint, subjected to severe slopes, drainage conditions, a designated front yard actually used as a side yard, and a skewed house location with attendant septic reserve. The location of the shed as proposed is the most appropriate one on the parcel and minimizes disturbances. Moreover, there are significant hardships that would result if the Applicant were forced to relocate the proposed shed. The shed is similar to numerous other buildings found within the zone and should not result in any adverse impact to adjacent properties.**

**For the above stated reasons, the Hearing Examiner recommends approval of the request, subject to the Applicant obtaining any and all necessary permits and inspections.**

**Date JUNE 11, 2003**

**William F. Casey  
Zoning Hearing Examiner**